

Application No. 10/800,789


REMARKS/ARGUMENTS

Claims 1 and 2 in the Listing of Claims are submitted with the proper status identifiers in response to the Notice of Non-Compliant Amendment (37 CFR 1.121) mailed by the USPTO on August 22, 2005.

Claim 1 in the application is canceled and claim 2 is submitted as new.

The new claim (claim 2) is also provided in compliance with both the Claim Objections and Claim Rejections in the Office Action Summary mailed by the USPTO on July 18, 2005. I included this new claim (as written) with my reply letter to the Office Action Summary. In my reply letter I responded with my respectful disagreements (arguments) to the Claim Rejections in the Office Action Summary. I faxed and mailed my reply letter (and new claim) to the USPTO on August 15, 2005. A copy of my reply letter to the Office Action Summary is provided with this correspondence for reference.

Respectfully submitted,



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August 14, 2005

In regards to: Patent Application 10/800,789

Sandra O'Shea; Mark Tsidulko; John Ward
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450
Art Unit 2875

Dear Sandra O'Shea; Mark Tsidulko; John Ward,

Subject: Reply to Office Action Summary – mailed 07/18/2005

First I would like to say thank you for your time so far in evaluating my patent application. I know that the Patent Office receives thousands of applications every year and it is work that requires a lot of dedicated effort. On 22 July 05 (the day after I received the Office Action Summary for patent application 10/800,789) I called the Patent Office and talked to Mark Tsidulko and John Ward. My primary purpose for both conversations was to point out that I respectfully disagree with the rejection of my claim based on the reference to Lamparter (US 5,604,480). At the time of our conversations I had briefly looked at his patent information on the USPTO website. I explained that Lamparter's patent protects a "Flashing caution/stop bus light assembly" and that I did not see any correlation between his invention and mine. His invention is a display placed on a bus to display words such as "Caution" and "Stopping" to drivers and my invention emits light to display two cats positioned together to form a heart shape. In the Office action summary it states "Claim 1 is rejected under 35 U.S.C. 102 (b) as being anticipated by Lamparter (US 5,604,480). I do not believe it is anticipated by Lamparter as there isn't any similarity of purpose between my invention and Lamparter's invention. Since my conversation with Mark and John I have read through the claims of Lamparter's patent several times and the only documentation of any shape is a "hexagon" shape. My invention is two cats forming a heart shape and displaying it with visible light. In the Office Action Summary it states "It would have been an obvious matter of design choice to provide the different decorative shapes formed by the arrays of the LEDs for the purpose of aesthetic appearance." Once again I respectfully disagree that it is not obvious. Lamparter's invention is used to display words such as "Caution" and my invention is two cats positioned together to form a heart shape and displayed with light. Lamparter's patent claims do not document or indicate any intention to display a cats' heart shape with light and doing so would not in any way be applicable to the purpose of Lamparter's invention. Further although a heart shape by itself may be an obvious shape it is not obvious from the perspective of two cats that are positioned together to form a heart shape and displayed with visible light. This is the distinctive feature of my invention of which I believe to be the original inventor. I have visited several stores and websites and have not found any light displays that show two cats positioned together to form a heart shape. This is a very strong indication to me that the invention is not obvious. There is however an abundance of separate cat and heart products on the market. My invention puts these two together to give new life to the "common" heart shape. The prototype that I built (photo included in my application) proves that this is not merely a concept, but is in fact physically possible. The prototype is based on registered copyright drawings that I have held in my name since 1993. I respectfully request that Mark, John and Sandra take another look at the rejection of my claims due to these reasons. In response to the Office Action Summary Claim Objections I have amended the original claim to comply with the Form of Claims in 608.01(m). In response to the Office Action Summary Claim Rejections I have submitted a "new" claim that better clarifies my invention. This "new" claim differentiates my claim to show that there isn't any correlation to Lamparter's invention. This "new" claim is also well within the scope of my patent application. According to 608.01(m) paragraph 6.33, I have submitted a claim listing as follows: 1 (Original); 2 (Currently amended); and 3 (New). By doing so I believe this leaves a few options to move forward. The first (1st) option which is my preferred choice (unless current patent rules prohibit doing

August 14, 2005

so) is as follows: I request that the examiner take the necessary steps to cancel claim one (1) and claim two (2) in the claim listing provided in this response and integrate claim three (3) as my "new" claim in my application. This 1st option is my response to cover both the Office Action Summary Claim Objections and Rejections. If and only if not permitted by current patent rules the second (2nd) option would be to proceed with the "currently amended" claim submitted with this response plus add the "new" claim (3) to my application. As stated above I prefer the first (1st) option and respectfully request reference to patent rules that the examiner basis his decision on. If there are any problems with this submission please notify me as quickly as possible so I will have time to respond in the allotted time frame provided by the USPTO. I also request that the examiner make any minor necessary corrections to my claims that are permitted by current U.S. Patent Office practice that would alleviate unnecessary correspondence. Once again thank you very much for your hard work in reviewing my application. I really do appreciate it. I will follow up with a phone call soon. I will also send a copy of this fax (letter and claims) via registered mail.

Very Respectfully,



Mark A. Court
Patent Application 10/800,789

Included: 1) Claim Listing and Three (3) Claims 2) Reply to Office Action Summary – mailed
07/18/2005
For: Art Unit 2875, Mark Tsidulko, Sandra O'Shea, John Ward